

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Oct 06, 2025**

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JASON FOSTER FRANK,

Defendant.

No. 2:24-CR-00051-MKD

FINDINGS OF FACT AND  
CONCLUSIONS OF LAW

On September 24, 2025, the Court held a bench trial on Count 3 of the Indictment in this matter. ECF No. 81. For the reasons stated below, and on the record, the Court finds Defendant guilty as charged in Count 3 of the Indictment.

**FINDINGS OF FACT**

Based on the Stipulation of Facts and Law filed by the parties, ECF No. 73, and Stipulated Exhibits 1-3, ECF No. 82, the Court finds:

1. On or about December 5, 2008, Defendant was convicted of two counts of Carnal Knowledge of a Child Between 13 and 15 Years of Age, in violation of Va. Code § 18.2-63; one count of Attempted Carnal Knowledge of a Child Between 13 and 15 years of age, in violation of Va. Code §18.2-63; and three counts of Use of

1 Communications Systems to Facilitate Certain Offenses Involving Children, in  
2 violation of Va. Code§ 18.2-374.3. *See* Exhibit 1.<sup>1</sup>

3 2. As a result of these convictions, Defendant is required by federal and state  
4 law to register as a sex offender and was so required in June 2023. *See* Exhibit 2;<sup>2</sup>  
5 Exhibit 3.<sup>3</sup>

6 3. In June 2023, undercover law enforcement agents posted an online  
7 advertisement on “Skip the Games,” purporting to be a mother who was offering  
8 her two minor daughters to be sexually abused. Defendant responded to the  
9 advertisement on June 3, 2023, and expressed sexual interest in the minors during  
10 various communications with undercover officers posing as the mother and one of  
11 the minors. Defendant and the undercover officers arranged for Defendant to meet  
12 the fictitious mother and minors. Defendant was arrested upon his arrival at the  
13

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14  
15 <sup>1</sup> Defendant agrees that the redacted date of birth and social security number in fact  
16 reflect his date of birth and social security number.

17 <sup>2</sup> Defendant agrees that the redacted date of birth in fact reflects his date of birth.

18 <sup>3</sup> Defendant agrees that the redacted SID number, date of birth, social security  
19 number, and FBI number in fact reflect his SID number, date of birth, social  
20 security number, and FBI number.

1 agreed-upon meeting place on June 8, 2023, in Stevens County, Washington,  
2 within the Eastern District of Washington. Defendant's phone was recovered from  
3 Defendant's vehicle; on it, law enforcement observed the text messages with the  
4 undercover officers and child pornography files. ECF No. 73 at 2-3 ¶ 3.

5 4. On April 5, 2024, Defendant was indicted on the three Counts. Count 1  
6 alleged Attempted Online Enticement, in violation of 18 U.S.C. § 2422(b),  
7 occurring between June 2 and 8, 2023. Count 2 alleged Possession of Child  
8 Pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B), (b)(2), occurring on June  
9 8, 2023. Count 3 alleged Commission of a Felony Sex Offense by an Individual  
10 Required to Register as a Sex Offender, in violation of 18 U.S.C. § 2260A,  
11 specifically in reference to Count 1. ECF No. 1.

12 5. Defendant pleaded guilty to Counts 1 and 2 on March 25, 2025. The Court  
13 found that Defendant was fully competent and capable of entering an informed  
14 plea, that he was aware of the nature of the charges and the consequences of the  
15 plea, and that his plea of guilty was knowing; voluntary; not induced by fear,  
16 coercion, or ignorance; and supported by an independent basis in fact establishing  
17 each of the essential elements of Counts 1 and 2. ECF No. 40.

1 **CONCLUSIONS OF LAW**

2 1. Under 18 U.S.C. § 2260A:

3 Whoever, being required by Federal or other law to  
4 register as a sex offender, commits a felony offense  
5 involving a minor under section 1201, 1466A, 1470, 1591,  
6 2241, 2242, 2243, 2244, 2245, 2251, 2251A, 2260, 2421,  
7 2422, 2423, or 2425, shall be sentenced to a term of  
8 imprisonment of 10 years in addition to the imprisonment  
9 imposed for the offense under that provision. The  
10 sentence imposed under this section shall be consecutive  
11 to any sentence imposed for the offense under that  
12 provision.

13 2. Based on Exhibit 1, on or about December 5, 2008, Defendant was  
14 convicted of two counts of Carnal Knowledge of a Child Between 13 and 15 Years  
15 of Age, in violation of Va. Code§ 18.2-63; one count of Attempted Carnal  
16 Knowledge of a Child Between 13 and 15 years of age, in violation of Va. Code  
17 §18.2-63; and three counts of Use of Communications Systems to Facilitate  
18 Certain Offenses Involving Children, in violation of Va. Code§ 18.2-374.3. *See*  
19 Exhibit 1.

20 3. As a result of these conviction, Defendant was required by federal and state  
law to register as a sex offender and was required to do in June 2023 when he  
committed Counts 1-3 of the Indictment. This requirement is reflected in Exhibit  
2, which is a Washington State Department of Corrections Registration  
Notification signed by Defendant on August 8, 2013.

1 4. On March 25, 2025, Defendant pleaded guilty to, and is guilty of, Count 1 of  
2 the Indictment, which alleged attempted online enticement, in violation of 18  
3 U.S.C. § 2422(b), occurring between June 2 and June 8, 2023.

4 5. The Court previously found that this violation of 18 U.S.C. § 2422(b)  
5 suffices as a felony involving a minor under 18 U.S.C. § 2260A. ECF No. 48.

6 6. Thus, the Court finds beyond a reasonable doubt that (1) On or about June 2,  
7 2023, and continuing until on or about June 8, 2023, in the Eastern District of  
8 Washington, Defendant committed a violation of 18 U.S.C. § 2422, as charged in  
9 Count 1 of the Indictment; and (2) At the time Defendant committed the § 2422  
10 violation, Defendant was required by Federal or other law to register as a sex  
11 offender.

12 Accordingly, **IT IS HEREBY ORDERED:**

13 1. The Court finds Defendant guilty as charged in Count 3 of the  
14 Indictment.

15 **IT IS SO ORDERED.** The District Court Clerk is hereby directed to enter  
16 this Order and provide copies to counsel.

17 DATED October 6, 2025.

18 s/Mary K. Dimke  
19 MARY K. DIMKE  
20 UNITED STATES DISTRICT JUDGE